

Virginia Military Survivors and Dependents Education Program Clarification of Commonwealth of Virginia Policy

1. **Issue:** Clarify Virginia Military Survivors and Dependents Education Program interpretation of benefits by the Commonwealth of Virginia
2. **Background:**
 - a. The 2006 General Assembly passed legislation that renamed the Virginia War Orphan Education Program (VWOEP) as the Virginia Military Survivors and Dependents Education Program (VMSDEP):
 - i. VMSDEP took effect 1 July 2006
 - ii. The 2006 General Assembly expanded eligibility to spouses, and raised the upper age limit for children from 25 to 29
 - iii. No changes were made to the benefits provided under VMSDEP
 - iv. The Code of Virginia mandates that tuition and required fees must be waived
 - v. The Code makes provision for additional costs to be waived – such as room, board, books, and supplies – contingent on appropriations, gifts, or bequests
 - vi. No funds were specifically appropriated to support VMSDEP in Fiscal Year 2007 (July 1, 2006 - June 30, 2007)
 - vii. Virginia's colleges and universities, which fall under the State Council on Higher Education for Virginia (SCHEV), may provide the additional VMSDEP benefits, but their interpretation is that the Code requires them only to waive tuition and required fees
 - b. The Department of Veterans Services (DVS) certifies students as eligible for VMSDEP benefits
 - i. DVS sends the certification letter to the college or university the student will attend, stating that the student is eligible for benefits under VMSDEP.
 - ii. A copy is sent to the student
 - c. The colleges and universities determine which VMSDEP costs – over and above the mandatory tuition and required fees – will be waived. The decision would depend on the college's financial capacity to waive the additional costs (room, board, etc.)
 - d. There are questions regarding the interpretation of the code by the DVS, SCHEV, and Virginia's public colleges and universities

3. **Discussion:** Mr. Todd Golding of Winchester, a disabled veteran, and his wife, an eligible student applicant, takes issue with the interpretation of the Code of Virginia, Article 23-7.4:1.A.(v):
 - a. Mr. Golding feels the Code of Virginia, Section 23-7.4:1.A. (v), which allows for the waiver of books and supplies, is not properly interpreted
 - b. Mr. Golding has asked the JLC to intercede to gain allowance for software to be reimbursable
4. **Recommendation:**
 - a. The Code of Virginia, Section 23-7.4:1.A states, “From such funds as may be appropriated and from such gifts, bequests, and any gifts, grants, or donations from public or private sources...”
 - b. The JLC recommends that, within the funds available, the Commonwealth of Virginia interpret that “supplies” includes computer software as a waived expense under the Code